

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Ted D. Ellis and Teresa Ellis,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C/A No.: 9:19-cv-2163-RMG
	)	
Cody Kirkman, Individually; Amber	)	
Swinehammer, Individually; Lindsey	)	
Gibson, Individually; Cody C. Kirkman,	)	
Amber Swinehammer, and Lindsey	)	
Gibson, as agents/officers of Town of	)	
Bluffton Police Department; and Town	)	
Bluffton Police Department,	)	
	)	
Defendants.	)	
_____	)	

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**STATUS REPORT**

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By the Court's Order and Report and Recommendation, (Docket Entry 44), the Court granted Defendants' Motion to Stay (Docket Entry 33) and required monthly status updates. There have been no published decisions regarding the status of the criminal investigation into the underlying matter. On January 13, 2021, the undersigned counsel engaged in conferences with AUSA Ben Garner and FBI Special Agent George French, assigned to the Criminal Investigation. Through these conversations, it was confirmed that the investigation is still on-going and that no prosecutorial decision has yet been made in the matter.

In discussing the upcoming terminus of the existing Stay order, AUSA Garner advised that in the last few months lead attorney USA Kyle Boyton underwent surgery, has

just returned to work on a reduced hour basis and due to his current health related concerns and COVID delays, he felt an additional three-month period to make a prosecutorial decision would be reasonable. AUSA Garner assured counsel that the decision would be made within that expanded time frame.

To date, the reasons set forth in support of the Order to Stay remain unchanged. Following these conversations, the undersigned Counsel spoke with Plaintiff's Counsel Arie Bax in consultation on our expected motion to enlarge the time period of the stay. As agreement as to the necessity to enlarge the same was not reached, Defendants will file a Motion to Enlarge the Stay.

Respectfully submitted,

LAW OFFICES OF CHRISTY L. SCOTT, LLC

By: s/Christy L. Scott  
Christy L. Scott, Fed. ID No. 6215  
Post Office Box 1515, 108 Carn Street  
Walterboro, SC 29488  
(843) 782-4359  
Email: [cscott@lawofficeofchristyscott.com](mailto:cscott@lawofficeofchristyscott.com)

ATTORNEY FOR DEFENDANTS

Cody C. Kirkman, Individually and as an Officer of Town of Bluffton Police Department; Amber Swinehamer, (mistakenly spelled Swinehammer), Individually and as an Officer of Town of Bluffton Police Department; former Bluffton police officer Lindsey Gibson, sued individually and as a former police officer of the Bluffton Police Department and the Town of Bluffton Police Department

January 13, 2020

Walterboro, South Carolina